



PATENT  
REV 98-25

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Pagano, et al. :  
Serial No. 09/843,000 : Examiner: Gollamudi  
Filed: April 26, 2001 : Art Unit: 1616  
For: NAIL ENAMEL COMPOSITIONS, :  
RELATED METHODS, AND A TWO :  
COMPONENT KIT FOR PAINTING :  
THE NAILS :  
X

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Assistant Commissioner for Patents  
MAIL STOP: NON-FEE AMENDMENT  
P.O. BOX 1450  
ALEXANDRIA, VA 22131-1450

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY TO OVERCOME  
CITED PATENT OR PUBLICATION (37 CFR §1.131)

1. This declaration is to establish completion of the invention in this application in the United states, at a date prior to July 1, 1999, that is the effective date of U.S. Patent No. 6,254,878, assigned to E.I. du Pont de Nemours and Company (the "878 Patent") cited by the Examiner as a prior art reference in the above referenced application.

2. The persons making this declaration are Frank Charles Pagano, Anjali Abhimanyu Patil, Joseph Frank Calello, and Robert Walter Sandewicz, four of the five joint inventors. Co-inventor George Harvey Armstrong did not sign off on this Declaration because he is no longer employed by Revlon Consumer Products Corporation, assignee of the above referenced application.

#### FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached documents and/or models are submitted as evidence:

- A photocopy of page 20 from Laboratory Notebook No. AAP4, entitled Project No. 6H367, "Polymers for Adhesion Test". The page is signed in the middle by Anjali Abhimanyu Patil and witnessed by Shichiu Kwan, with both signatures on November 10, 1997. This indicates that the formulas referenced above these signatures were prepared on November 10, 1997. In particular, nail enamel formulas were prepared with polymers and solvent. One of the polymers used was a copolymer of butyl methacrylate and acrylic acid (BMA/AA). The compositions prepared on the November 10, 1997 date were later tested for nail enamel adhesion. The entire notebook page was signed Anjali Abhimanyu Patil on December 11, 1997 and witnessed on the same day.

From this document it can be seen that the invention claimed in this application was made and reduced to practice by at least November 10, 1997, which is well prior to the July 1, 1999 effective date of the '878 Patent.

TIME OF PRESENTATION OF DECLARATION

This declaration is submitted after final rejection.

DECLARATION

As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE

A. Inventor

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Frank Charles Pagano

Date: Jan. 13, 2004

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B. Inventor

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Date: Jan 13, 2004

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C. Inventor

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Robert Walter Sandewicz

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195352

174422.1

TITLE Polymers for Adhesion Test

Project No. 6H 367

Book No. AAP4

20

From Page No. 12

PURPOSE: To find out if acid group or AACMMA group or the  
has more adhesion to the keratin substrate.

Polymer lot # 1H 780 -90 (49.5% S)

(1)  
84.5%

(2)  
-

(BMA (80) / AACMMA (20))

- 84.5

Polymer lot # 1H 780 -92 (50.3% S)

(BMA (90) / AA (10))

2.5 - 2.5

Diisopropyl adipate (lot # same as AAPH-12)

13.0 13.0

Butyl acetate (lot # same as AAPH-12)

SH (2, 2H hrs) \*

X Hatch 2H hrs

\* (method used: IP # 7201.012)

Anjali A Patel

witnessed by

NOV 10, 1997

Shail Nov. 10, 1997

The results from the Quad Group in WA state (via creative  
Nail Design) are as follows:

AAPH - 2011 Average force required 512.1 J/m<sup>2</sup>

AAPH - 2012 u - 596.3 J/m<sup>2</sup>

∴ Acrylic acid copolymer has statistically better adhesion to  
the keratin substrate than AACMMA copolymer.

To Page No.

Witnessed & Understood by me,

Date

Invented by

Anjali A Patel

Date

Dec 11, 1997

Recorded by

Dec. 11/97